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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,362	07/13/2004	Yoji Utsumi	88528.0010	7555
26021	7590	08/23/2005		
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			EXAMINER ALI, HYDER	
			ART UNIT 3747	PAPER NUMBER

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/501,362	UTSUMI ET AL.	
	Examiner	Art Unit	
	HYDER ALI	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-6 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 July 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Inventorship

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Specification

The abstract of the disclosure is objected to because it exceeds 150 word maximum. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1,3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al (JP 04076209).**

Nakano et al discloses an engine lubricating device comprising a lubricating oil pump and oil filter no different from the matters described in claims 1 and 3-5.

2. Claims 1,3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al (US 5,218,885).

As to Claim 1, Nakano et al discloses An engine lubrication system having a lubricating oil pump that is rotationally driven by a crankshaft 8 to send under pressure a lubricating oil to a part needing to be lubricated, characterized in that the lubricating oil pump is disposed so as to be connected to an end of a crankshaft 8 in such a manner that a pump shaft aligns with the crankshaft 8 substantially coaxially, in that an in-pump oil supply passageway 124a is formed in the lubricating oil pump in such a manner as to pass therethrough from a side opposite to the crankshaft 8 to a side of the crankshaft 8, and in that the in-pump oil supply passageway 124a so formed is made to communicate at one end thereof with an in-crankshaft oil supply passageway 8b formed in the crankshaft 8 for supplying a lubricating oil to a part of the crankshaft 8 which needs to be lubricated and is made to communicate at the other end thereof with a discharge port of the lubricating oil pump via a lubricating oil passageway.

As to Claim 3, Nakano et al discloses the lubricating oil pump is attached to a crankcase cover 112 detachably and is covered with a pump cover that is attached to the crankcase cover detachably.

As to Claim 4, Nakano et al discloses an oil filter 151 is provided at an intermediate position along the length of the lubricating oil passageway, in that the oil filter is constructed such that an element is disposed in a filter compartment defined by the crankcase cover 112 and a filter cover attached to the crankcase cover 112 detachably, in that a part of the lubricating oil passageway situated between the

discharge port of the lubricating oil pump and the oil filter is formed on the crankcase cover 112, and in that a part of the lubricating oil passageway situated between the oil filter 151 and the in-pump passageway is formed on the filter cover which covers the oil filter detachably.

As to Claim 5, Nakano et al discloses the pump cover and the filter cover are integrally formed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano et al (US 5,218,885) in view of Tazaki et al (JP 08021222).

Nakano et al discloses the limitation as sets forth in claim 1.

Nakano et al does not disclose a passageway on a pick-up side of the lubricating oil pump and a part of the lubricating oil passageway that is situated on a downstream side of the oil filter are made to communicate with each other via a pressure regulating relief valve.

Tazaki et al discloses an engine lubricating device wherein the lubricating oil pump suction side passageway and the oil filter downstream side of a lubricating oil passageway communicate via a relief valve for pressure adjustment.

It would have been obvious to one of ordinary skill in the engine art to utilize an engine lubricating device wherein the lubricating oil pump suction side passageway and the oil filter downstream side of a lubricating oil passageway communicate via a relief valve for pressure adjustment in the engine disclosed by Nakano et al in order provide a passageway on a pick-up side of the lubricating oil pump and a part of the lubricating oil passageway that is situated on a downstream side of the oil filter are made to communicate with each other via a pressure regulating relief valve as taught by Tazaki et al.

Allowable Subject Matter

Claim 2 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (571) 272-4836. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY YUEN can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hyder Ali

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